IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 17726 of 1995

Between:

Akula Ramulu, S/o Vykuntham,
R/o Khajipet, Narsapur Mandal, Medak Dirstrict

..... PETITIONER

AND

The Mandal Revenue Officer,
Narsapur Mandal, Medak Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondent in invoking the provisions of A.P Land Encroachment Act of 1905, to evict the petitioner from the land bearing Sy.No.85 admeasuring Ac.0.31 guntas situated at Khazipet village, Narsapur Mandal, Medak Dist., as illegal and arbitrary, by setting aside the proceedings dt:24.6.95 issued in procgs. No.D/414/95 on the file of the respondent herein, by awarding exemplary costs.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent : GP FOR ASSIGNMENT

The Court made the following :

ORDER:

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The petitioner herein seeks to assail the proceedings initiated under provisions of the Andhra Pradesh Land Encroachment Act, 1905 in respect of the land admeasuring Ac.0.31 guntas in survey no.85 situated in Khazipet village, Narsapur mandal, Medak district, as illegal. Admittedly, the petitioner was already issued a notice under Section 6 of the Land Encroachment Act, 1905 followed up by further notice dated 24.06.1995 under the said Act to vacate the land within a period of seven days, against which a regular appeal is provided for under Section 10 of the said Act. In view of the aforesaid alternative and efficacious remedy available, I do not find any merits in the Writ Petition.

The Writ Petition is, accordingly, dismissed with a liberty to the petitioner to file the regular appeal within a period of six weeks from today and on receipt thereof, the same shall be disposed of on merits in accordance with law within a period of three months thereafter. It is needless to mention that the interim stay granted by this Court on 08.08.1995 in W.P.M.P. No. 21674 of 1995 shall remain in force till disposal of the appeal. No costs.

(B.Prakash Rao, J.)

17.03.2005

DRK/Chvn.

Copy to:

1. The Mandal Revenue Officer,
   Narsapur Mandal, Medak Dist.

2. Two CCs to the G.P. for Assignment, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

3. Two CD copies.